

SECRET

QUESTIONS AND ANSWERS

APPENDIX II

A. Question : Traveler departs for overseas post on Monday and could have arrived on Friday; however, for personal reasons traveler takes annual leave on Friday delaying his arrival to Saturday or Sunday. In view of the fact that Saturday and Sunday are non-work days at his official station, should traveler be charged annual leave on Friday?

B. Answer: 1. Since traveler delayed arrival time for personal stop-over, both his allowable transit time and leave would be computed on basis of constructive time via the most direct route. In the above case, the direct time necessary based on his actual date of departure would be computed. If his hypothetical arrival on Friday was computed to be at 1200 hours, he would be charged leave for the remainder of that work day. If his hypothetical arrival time was computed to be after working hours on Friday, no leave would be charged if his actual arrival was on the following Saturday or Sunday, in time for the next work day on Monday. This decision is based on the following precedents:

(a) From Foreign Service Manual IV, 464.1:

Definition of Allowable Transit Time:

Allowable transit time is the time actually and necessarily occupied by the employee in traveling to and from his post of duty, including such time as may be necessarily occupied in awaiting transportation en route. Standards governing the amount of transit time properly allowable shall be comparable to standards controlling the payment of per diem under Standardized Government Travel Regulations (6.10). Allowable transit time is not chargeable to leave, but any work days occupied in travel in excess of allowable transit time shall be charged to annual leave. (SGTR 6.3 applies when traveler takes leave while at a TDY point rather than while in a transit status.)

(b) From Foreign Service Manual IV, 464.54:

Non-Workdays Falling Within Period of Travel:

When the first day of transit time has been established, each consecutive day thereafter actually spent in awaiting transportation

SECRET

SECRET

- 2 -

APPENDIX II

B. Answer: 1. (b) en route, shall be considered transit time, whether or not holidays or other non-workdays fall within such period of travel. (For example, if an employee who was to sail from New York on Tuesday remained on duty in Washington through the close of business on Friday, he could proceed to New York on Friday night without being charged annual leave. Monday would be the first day of transit time.)

(c) From Foreign Service Manual IV, 464.6:

Charging Excess Transit Time:

Time occupied by the employee in travel and in awaiting transportation which is in excess of allowable transit time shall be charged against annual leave on the basis of eight hours for each excess workday subsequent to the date he could have arrived at his destination had he proceeded direct. (For example, an employee leaving New York on Tuesday bound for Stockholm, could have arrived at his destination at the end of the 10th calendar day. However, he interrupted his travel to take leave and arrived in Stockholm on the 20th calendar day. He would be allowed the first 10 calendar days as transit time from New York to Stockholm, and all workdays thereafter until the date of actual arrival would be charged to annual leave. If he actually traveled via air, his allowable transit time would be reduced in accordance with the time required for direct travel via air.)

C. Question : Traveler takes annual leave en route and subsequently, in proceeding to official station, uses berth on aircraft. Constructed travel from point of leave would have resulted in traveler performing the leg of the trip in which berths were used during daylight hours. Accordingly, should berths be allowed in constructed travel costs even though constructive travel was not performed at night?

D. Answer: 1. No. The times within constructive travel computation would determine whether or not berths are allowable items of cost. In the example above, the constructive travel computation placed the leg of the trip in daylight hours (provided that there was a scheduled daylight flight), no berth would be allowed for this leg in constructive cost.

SECRET

- 3 -

APPENDIX II

- D. Answer: 2. The Comptroller General has ruled that constructive cost computations may include the cost of a berth unless lower than first-class air travel was provided for in the travel order and provided the berth is normally used on the itinerary on which the constructed travel was based regardless of whether a berth was or was not used on the indirect flight.
3. The Office of General Counsel has ruled that, within the scope of applicable laws and regulations, authorizing officials may administratively determine whether or not or when a berth will be allowed.
- E. Question : Some stations compute constructive travel from date of departure, others from date of arrival. While in some instances the date used has no effect on the outcome, in many instances the costs vary, particularly with respect to the use of berths. The regulations do not specify the date to be used for constructive cost purposes so in order to dispel this inconsistency and accord all travelers equal treatment, it seems desirable to obtain a firm ruling. Accordingly, please advise whether constructive travel should be based on:
- (a) Date of departure
 - (b) Date of arrival and worked backwards
 - (c) Either date when
 - (1) More advantageous to Government
 - (2) More advantageous to traveler
- F. Answer: 1. Constructive travel time shall be computed as follows:
- (a) If all the approved travel is via air, the employee's actual date of departure from his station shall be used as the first day of transit time.
 - (b) If the authorized travel is a combination of air (rail) and sea, the employee's date of departure from his station would be the constructive date of departure necessary for him to reach the port of departure for the required check-in time prior to sailing.

SECRET

SECRET

- A -

APPENDIX II

- F. Answer: 1. (c) If the authorized travel is a combination of private auto and sea (air), the employee's date of departure from his station would be the constructive date of departure allowing the actual driving time or a constructed driving time based on a minimum mileage of 300 miles per day on direct mileage between the points of departure and arrival whichever is less.
- (d) Since the departing station is responsible for reporting the employee's time and attendance up to his date of departure, any delays for personal reasons at his station prior to departure will be charged against leave by the departing station. The arriving station will assume responsibility for his time and attendance from the date of departure from his former station.
- G. Question : In view of the fact that steamship lines require 48 hours for check-in prior to sailing, this period of TDY is accorded travelers using such accommodations when no leave is taken at the Port of Embarkation. If, however, traveler bound for PCS point proceeds by air to location of sailing point and then takes a week annual leave, should two days prior to sailing be construed as TDY waiting vessel and hence not chargeable to annual leave and therefore reimbursable in per diem or does the annual leave status of the traveler preclude him from obtaining the benefit of the 48-hour rule?
- H. Answer: 1. We have been unable to locate a regulation or other precedents which establish a 48-hour rule as referred to above. On the contrary, we have been informed that normally only 24 hours advance notice is required for check-in prior to sailing. However, there could be cases where a longer check-in period is required. For this reason there can be no hard and fast regulation covering this situation. All such cases would have to be handled on an individual basis subject to administrative decision.
2. There are several precedents on which an administrative decision may be based however.
- (a) From Foreign Service Regulations (Note 17a dated 1 August 1946):
- Per diem is payable at stipulated rates during time necessarily spent at port awaiting sailing. However, for those who take leave in the United States or elsewhere, while en route, per diem is payable not

SECRET

H. Answer: 2. (a) to exceed one day (24 hours) awaiting sailing at the port of embarkation; except that, in cases where a land journey of over 24 hours is necessary to reach the port of embarkation, a margin of two days at such embarkation port, prior to the vessel's published date of sailing may be permitted provided sufficient evidence is submitted justifying the additional 24 hours. If possible, the traveler should time his departure from his residence so that not more than 24 hours will necessarily be spent at the port.

(b) Paraphrased from Comptroller General Decision 29-493:

In view of the Standardized Government Travel Regulations precluding the payment of per diem during an authorized leave of absence and of the Foreign Service Regulations limiting per diem, to time necessarily spent at ports awaiting sailing, a Foreign Service Officer who, while in a leave of absence status in the United States en route to his new duty station abroad, traveled to the port of embarkation prior to the vessel's sailing date is not entitled to per diem for the period of leave. Since travel was interrupted by taking leave, it is held that travel arrangements should have been completed prior to departure from his last station or his leave point. Therefore, the period spent in port cannot all be considered as awaiting transportation and is properly chargeable to leave.

(c) From Foreign Service Manual IV, 464.53:

Delays in Awaiting Transportation Due to Personal Reasons:

Any period spent in awaiting transportation which results from an employee's relinquishing his duties prematurely for his own convenience and proceeding to the point of departure, shall not be considered as transit time. In such cases, allowable transit time shall be computed from the date he would have necessarily begun his official travel. (For example, if an employee on duty in Washington was to sail from New York on Wednesday, and relinquished his duties at the close of business on the preceding Thursday, Friday and Monday would be charged to leave, the intervening Saturday and Sunday being non-work days. Tuesday would be the first day of transit time. However, if during

S E C R E T

- 6 -

APPENDIX II

- H. Answer: 2. (c) the period of leave there occurred a two-day postponement of sailing, he would be charged an additional two days of leave unless he returned to Washington at his own expense for duty.) Similarly, any delay due to missed connections which results from an employee's delaying departure from his post or interrupting travel for personal convenience shall not be considered transit time.
3. Any delays at the port of embarkation in excess of 24 hours should be explained on the travel voucher in detail. An administrative decision by the appropriate approving official on the allowable transit time would then be made based on the above precedents.

S E C R E T